

## **CHAPTER 15**

### **SUBPOENAS**

#### **Authority**

Unless otherwise expressly noted, all provisions of this chapter were adopted pursuant to authority of N.J.S.A. 34:13A-11 and were filed and became effective prior to September 1, 1969. Subsequent revisions were filed and became effective on August 2, 1977, as R.1977 d.272. See: 9 N.J.R. 298(a), 9 N.J.R. 448(a).

### **CHAPTER TABLE OF CONTENTS**

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

- 19:15-1.1 Issuance of subpoena
- 19:15-1.2 Application for subpoena
- 19:15-1.3 Failure to comply with subpoena
- 19:15-1.4 Fees

#### **SUBCHAPTER 2. PETITION TO QUASH**

- 19:15-2.1 Petition to quash
- 19:15-2.2 Ruling on petition to quash
- 19:15-2.3 Timeliness of petition to quash
- 19:15-2.4 Inclusion in the record

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **19:15-1.1 Issuance of subpoena**

The commission or any designated officer thereof may issue subpoenas to require the attendance of witnesses in the State and the production of books and papers at a proceeding held under the provisions of these rules.

##### **19:15-1.2 Application for subpoena**

- (a) A party may file a written application for subpoena with the commission or any designated officer thereof.
- (b) The application for subpoena need not name the witness or the books and papers sought.
- (c) Notice of an application for subpoena need not be communicated to the parties.

(d) The commission or any designated officer shall furnish all subpoenas requested.

(e) The party requesting the subpoena shall be responsible for service in accordance with the provisions of N.J.A.C. 19:10-2.3 (Service of pleading and other process; proof of service).

**19:15-1.3 Failure to comply with subpoena**

(a) No person served with a subpoena issued in accordance with this provision of this chapter shall refuse or neglect to appear or testify or to produce books and papers relevant to such investigation, inquiry or hearings as commanded in such subpoena without the timely filing of a petition to quash a subpoena, with the commission or designated officer.

(b) Failure to comply with, or neglect of a subpoena issued by the commission or an officer thereof pursuant to N.J.A.C. 19:15-1.1 (Issuance of subpoena) may be certified by the commission to a court of competent jurisdiction for an order of compliance.

**19:15-1.4 Fees**

(a) The fees for witnesses for attendance and travel shall be paid from appropriations made to the Division of Public Employment Relations to those witnesses subpoenaed by the commission or any officer thereof.

(b) The fees for witnesses for attendance and travel shall be paid by the party requesting the subpoena.

**SUBCHAPTER 2. PETITION TO QUASH**

**19:15-2.1 Petition to quash**

(a) A petition to quash a subpoena may be filed with the commission or designated officer not later than five days from the date of service of the subpoena.

(b) The commission or designated officer shall give notice of the filing of a petition to quash to the applicant for subpoena.

**19:15-2.2 Ruling on petition to quash**

(a) The commission or designated officer may quash a subpoena on the ground that the subpoena does not reasonably relate to any matter under investigation, inquiry or hearing, or the subpoena does not describe with sufficient particularity the evidence sought, or that the evidence sought from the witness is privileged under the law or these rules.

(b) The commission or designated officer shall make a statement as to the basis for the ruling.

**19:15-2.3 Timeliness of petition to quash**

A failure to file a timely petition to quash shall bar the filing of a subsequent petition to quash a subpoena.

**19:15-2.4 Inclusion in the record**

An aggrieved party may request that the petition to quash a subpoena, the answer thereto and the commission's or designated officer's statement of the basis for the ruling, as the case may be, be made a part of the record.